

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

TENTH DAY — TUESDAY, AUGUST 16, 2005

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 38).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Denny; Hamric; Kuempel; Reyna.

Absent — Riddle.

The invocation was offered by Representative Edwards.

The speaker recognized Representative Edwards who led the house in the pledges of allegiance to the United States and Texas flags.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Barbara Nell Conner of Hallettsville as the "Doctor for the Day."

The house welcomed Dr. Conner and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Bonnen in the chair)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Hamric on motion of Madden.

Reyna on motion of Madden.

The following members were granted leaves of absence for today because of important business:

Denny on motion of Madden.

Kuempel on motion of Laney.

The following member was granted leave of absence for the remainder of today because of active military duty:

Isett on motion of D. Jones.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HCR 18, HR 196, HR 199, HR 200, HR 202 - HR 214, HR 217 - HR 219, HR 223 - HR 226, HR 228, and HR 231.**

The motion prevailed.

The following resolutions were laid before the house:

HCR 18 (by Merritt), Commemorating the 70th anniversary of Tyler State Park.

HR 196 (by Krusee), Congratulating Barbara Graves of Hutto on her 50th birthday.

HR 199 (by Dunnam), Honoring Ronnie Urbantke on the occasion of his retirement as superintendent of Riesel ISD.

HR 200 (by Crownover), Honoring Judge Virgil Vahlenkamp and Francene Vahlenkamp of Denton on their 25th wedding anniversary.

HR 202 (by Craddick), Congratulating John and Judy Lysinger of Spring on their 50th wedding anniversary.

HR 203 (by Frost), Congratulating D. W. "Mac" and Nettie Lee McDonald of Cass County on the induction of the McDonald farm into the Texas Department of Agriculture Family Land Heritage Program.

HR 204 (by Frost), Congratulating Mary Ann Skidmore Hawkins and Jackie N. Hawkins of Bowie County on the induction of the Skidmore farm into the Texas Department of Agriculture Family Land Heritage Program.

HR 205 (by Branch), Commemorating the 2nd Annual Texas Stampede State Championship Barbeque Cook-Off.

HR 206 (by Crownover), Honoring Herbert Holl for his contributions to the Greater Denton Arts Council.

HR 207 (by Hilderbran), Honoring TRC Engineering Services, Inc., of Kerrville on the company's 20th anniversary.

HR 208 (by Jackson), Honoring Betty H. Donoho of Farmers Branch on her 90th birthday.

HR 209 (by Hope), Congratulating Judi Foster of Conroe for her Texas Lonestar Achievement Award nomination.

HR 210 (by Hunter), Congratulating Sherri Statler on being named President of the Christian Homes of Abilene.

HR 211 (by Gonzales), Congratulating the McAllen Hispanic Chamber of Commerce for being named the state's small chamber of the year by the Texas Association of Mexican-American Chambers of Commerce.

HR 212 (by Craddick), Honoring Clifton and Norma Igo of Lamesa on their 65th wedding anniversary.

HR 213 (by Craddick), Honoring Jack and Daphene Minter of O'Donnell on their 50th wedding anniversary.

HR 214 (by Quintanilla), Congratulating Jessica Perez of San Elizario on her many accomplishments.

HR 217 (by Bonnen), Honoring Donna "DeDe" Truitt on being named Woman of the Year for 2005 by the Brazoria Chamber of Commerce.

HR 218 (by Bonnen), Honoring Dr. Robert Schwebel on being named Man of the Year by the Brazoria Chamber of Commerce.

HR 219 (by Hupp), Honoring Carrie Shanafelt on her promotion to the rank of staff sergeant in the Texas National Guard.

HR 223 (by Vo), Honoring the Asian American Bar Association of Houston on the occasion of its annual gala and silent auction.

HR 224 (by Hopson), Honoring members of OJEMM, or Red Team, on their accomplishments in the Texas High School Aerospace Scholars Program.

HR 225 (by Dutton), Honoring the Reverend Ernest B. McGowen, Sr., of Houston on his 80th birthday.

HR 226 (by Dutton), Commemorating the 40th anniversary of Our Mother of Mercy Parish Houston Federal Credit Union.

HR 228 (by Escobar), Honoring Emma Salinas Garza for her many achievements.

HR 231 (by Thompson), Congratulating Fred L. and Naomi S. Ashley on their 50th wedding anniversary.

The resolutions were adopted.

RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HCR 20, HCR 21, HR 197, HR 198, HR 201, HR 220, HR 221, and HR 227.**

The motion prevailed.

The following resolutions were laid before the house:

HCR 20 (by Homer), In memory of Charles Eugene Thielman of Paris.

HCR 21 (by Homer), In memory of John L. Starks of Paris.

HR 197 (by Morrison), In memory of the Honorable Jack Milam of Victoria.

HR 198 (by Krusee), In memory of U.S. Marine Corps Corporal Steven P. Gill of Round Rock.

HR 201(by Veasey), In memory of Fort Worth teens Jeffrey Muriel, Carl Field, Donald Cain, and Charles Tate, Jr.

HR 220 (by Goolsby), In memory of Loma Fisher Howell of Dallas.

HR 221 (by Goolsby), In memory of respected businessman and philanthropist Harry Aaron Levy of Dallas.

HR 227 (by Dutton), In memory of Logan Daniel Jones of Houston.

(Speaker in the chair)

The resolutions were unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

HR 222 - ADOPTED

(by Herrero)

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 222.**

The motion prevailed.

The following resolution was laid before the house:

HR 222, Honoring Sergeant Jerardo Rios, Jr., of Killeen for his outstanding service to this country.

(Hill in the chair)

HR 222 was adopted.

HR 229 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 229**.

The motion prevailed.

The following resolution was laid before the house:

HR 229, Honoring Michelle Lyan Olivarez of Rio Grande City for her donation to Locks of Love.

HR 229 was adopted.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Hegar on motion of Van Arsdale.

The following member was granted leave of absence for the remainder of today because of important business:

Nixon on motion of Talton.

HR 230 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 230**.

The motion prevailed.

The following resolution was laid before the house:

HR 230, Congratulating Alonzo Cantu on his receipt of the Medallion of Excellence for Community Service from the Congressional Hispanic Caucus Institute.

HR 230 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

B. Brown on motion of Wong.

PROVIDING FOR ADJOURNMENT

Representative Hope moved that, pending the receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(Swinford in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

ADJOURNMENT

In accordance with a previous motion, the house, at 5:04 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 75 (By Dutton), Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.

To Environmental Regulation.

List No. 2

HB 72 (By J. Keffer), Relating to motor fuel taxes.

To Property Tax Relief, Select.

HB 73 (By J. Keffer), Relating to franchise tax benefits for certain entities designated as enterprise projects.

To Property Tax Relief, Select.

HB 74 (By J. Keffer), Relating to the collection of certain delinquent obligations by the office of the attorney general.

To Property Tax Relief, Select.

HR 188 (By Alonzo), Urging Congress to enact the bipartisan Secure America and Orderly Immigration Act.

To State Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 1

SB 5

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, August 16, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 15

Corte

SPONSOR: Estes

Urging the 109th Congress to honor veterans' tremendous sacrifice for this country by supporting the American Veterans Home Ownership Act of 2005.

HCR 16

Homer

SPONSOR: Deuell

Commending Dereck Hatley of Sulphur Springs for his heroic actions during a vicious dog attack on July 16, 2005.

HCR 17

Swinford

SPONSOR: Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, August 11, 2005, and ending on Tuesday, August 16, 2005.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, August 16, 2005 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 18 Merritt SPONSOR: Eltife
Commemorating the 70th anniversary of Tyler State Park.

HCR 20 Homer SPONSOR: Eltife
In memory of Charles Eugene Thielman of Paris.

HCR 21 Homer SPONSOR: Eltife
In memory of John L. Starks of Paris.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 7 (17 Yeas, 5 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 12

Public Education Reform, Select - **HB 8, SB 8**